

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA OF  
EASTERN DIVISION

DEMETRIUS M. EDWARDS, )  
Plaintiff, )  
v. ) CASE NO. 3:09-cv-660-ID  
SHERIFF JAY JONES, *et al.*, ) (WO  
Defendants. )

## ORDER

This case is presently before the Court on a Motion for Extension of Time to Appeal (Doc. # 22), which Plaintiff filed on October 6, 2009. By the Motion, Plaintiff seeks sixty additional days to appeal this Court's Order of September 4, 2009, (Doc. # 17), which dismissed several, but not all, defendants prior to service of process.

Appeals in civil cases in the federal courts lie only from final judgments. Fed. R. Civ. P. 54(a); Fed. R. App. P. 4; *Lloyd Noland Foundation, Inc. v. Tenet Health Care Corp.*, 483 F.3d 773, 778 (11th Cir. 2007). The Order Plaintiff seeks to appeal adjudicated the rights of only some of the parties, and is therefore not an appealable final judgment. *Id.* ("Ordinarily . . . an order adjudicating fewer than all the claims in a suit, or adjudicating the rights and liabilities of fewer than all the parties, is not a final judgment from which an appeal may be taken."). An exception to the general rule exists when the district court certifies a partial final judgment pursuant to Federal Rule of Civil Procedure 54(b). No such certification was made in this case, however. Therefore, the time for appeal of this Court's Order of September 4, 2009, has not yet arrived and the Motion for Extension of Time is not well

taken. Accordingly, it is hereby CONSIDERED and ORDERED that the Motion be and the same is hereby DENIED.

DONE this the 18th day of November, 2009.

/s/ Ira DeMent  
SENIOR UNITED STATES DISTRICT JUDGE